

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. _____

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)

v.)

**VERIFIED COMPLAINT
FOR FORFEITURE
IN REM**

FUNDS IN THE APPROXIMATE AMOUNT)
OF \$2,090,928.54 SEIZED FROM)
TCF SAVINGS ACCOUNT NO.)
1439471918, FUNDS IN THE)
APPROXIMATE AMOUNT OF)
\$1,011,692.84 SEIZED FROM)
CERTIFICATE OF DEPOSIT NO.)
3439421262, FUNDS IN THE)
APPROXIMATE AMOUNT OF)
\$1,011,692.84 SEIZED FROM)
CERTIFICATE OF DEPOSIT NO.)
3439424135, FUNDS IN THE)
APPROXIMATE AMOUNT OF)
\$340,298.75 SEIZED FROM TCF)
CHECKING ACCOUNT NO. 8439255218,)
FUNDS IN THE APPROXIMATE AMOUNT)
OF \$1,230,883.53 SEIZED FROM)
HIGHLAND BANK ACCOUNT NO.)
25042084, \$71,780 IN U.S.)
CURRENCY SEIZED FROM 10903)
PURDEY ROAD, EDEN PRAIRIE,)
MINNESOTA, AIRPLANE HANGER)
SITUATED ON LOT 44A5, FLYING)
CLOUD AIRPORT, ALL RIGHT, TITLE)
AND INTEREST IN THE LEASE FOR)
FLYING CLOUD AIRPORT, LOT 44A5,)
PIPER AIRCRAFT, N44605, MODEL)
PA28151, SERIAL NUMBER)
28-7415681, PIPER AIRCRAFT,)
N744Z, MODEL PA46-500-TP,)
SERIAL NUMBER 4697134,)
2004 BEECH AIRCRAFT, N775Z,)
SERIAL NUMBER TJ283,)
2008 BMW M5, VIN)
WBSNB93598CX09850, 2010 GMC)
SIERRA, VIN 3GTRKXE20AG221826,)

1981 DELOREAN, VIN)
SCEDT26T9BD006032,)
2004 CARVER YACHT, 46Ft CABIN,)
HULL NUMBER CDRD00134C404,)
)
DEFENDANTS.)

The plaintiff, through its attorneys, B. Todd Jones, United States Attorney for the State and District of Minnesota, and James S. Alexander, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney for the District of Minnesota, alleges the following upon information and belief for its claim against the defendant properties for forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(a)(1)(C).

THE DEFENDANTS IN REM

2. The defendant properties consist of the following property:

- a. funds in the approximate amount of \$2,090,928.54 seized from TCF Bank Savings Account number 1439471918;

- b. funds in the approximate amount of \$1,011,692.84 seized from TCF Bank certificate of deposit number 3439421262;
- c. funds in the approximate amount of \$1,011,692.84 seized from TCF Bank certificate of deposit number 3439424135;
- d. funds in the approximate amount of \$340,298.75 seized from TCF Checking Account number 8439255218;
- e. funds in the approximate amount of \$1,230,883.53 seized from Highland Bank Account number 25042084;
- f. \$71,780 in U.S. currency seized at 10903 Purdey Road, Eden Prairie, Minnesota;
- g. airplane hanger situated on lot 44A5, Flying Cloud Airport;
- h. all right, title and interest in the lease for Flying Cloud Airport, lot 44A5;
- i. Piper Aircraft, N44605, Model PA28151, serial number 28-7415681;
- j. Piper Aircraft, N744Z, Model PA46-500-TP, serial number 4697134;
- k. 2004 Beech Aircraft, N775Z, serial number TJ283;
- l. 2008 BMW M5, VIN WBSNB93598CX09850;
- m. 2010 GMC Sierra, VIN 3GTRKXE20AG221826;
- n. 1981 Delorean, VIN SCEDT26T9BD006032; and
- o. 2004 Carver Yacht, 46Ft Cabin, Hull number CDRD00134C404.

3. The defendant properties were seized in the District of Minnesota on or about November 16, 2010. The defendant properties are currently in the custody of the Internal Revenue Service, Criminal Investigation Division.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant properties. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant properties under 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district, and pursuant to 28 U.S.C. § 1355(b)(1)(B) because the defendant properties were seized in the District of Minnesota. Upon the filing of this complaint, the plaintiff requests that the Clerk of the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred at least in part in this district,

and pursuant to 28 U.S.C. § 1395, because the defendant properties were seized in this district.

COUNT 1

7. The allegations contained in paragraphs 1 through 6 of the Complaint are realleged and incorporated by reference.

8. The defendant properties are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because they constitute or are derived from proceeds traceable to violations of 18 U.S.C. § 1343.

COUNT 2

9. The allegations contained in paragraphs 1 through 6 of the Complaint are realleged and incorporated by reference.

10. The defendant properties are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) because they are properties involved in or traceable to violations of 18 U.S.C. § 1957.

FACTS

11. The defendant properties are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and 18 U.S.C. § 981(a)(1)(C), as set forth in the Affidavit of Andrew Gibart, Special Agent, Internal Revenue Service, filed in support of this Complaint for Forfeiture *In Rem* and incorporated herein by reference.

WHEREFORE, the plaintiff prays that notice of this action be given to all persons who reasonably appear to be potential claimants of interest in the properties; that the defendant properties be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

Dated: August 24, 2012

B. TODD JONES
United States Attorney

s/ James S. Alexander

BY: JAMES S. ALEXANDER
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VERIFICATION

I, James S. Alexander, Assistant United States Attorney for the District of Minnesota, declare under penalty of perjury, as provided by 28 U.S.C. § 1746, the following:

I have read the foregoing Complaint for Forfeiture *In Rem*, with supporting Affidavit, and know the contents thereof, and the allegations of said Complaint for Forfeiture *In Rem* are true to the best of my knowledge, information and belief, based upon information and documents furnished by the Internal Revenue Service - Criminal Investigation Division.

Dated: August 24, 2012 s/ James S. Alexander
JAMES S. ALEXANDER